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[See *Inns and Taverns*.]

An Act to prevent gaming. Passed February 8, 1797. (R. S. 572.)

1. All playing at cards, dice or other game, with one or more die or dice, or with any other instrument, engine or device, in the nature of dice, having one or more figure or figures, number or numbers thereon, or at billiards, or A. B. C. or E. O. tables or other tables, or at tennis, bowls or shuffle-board, or at furo-bank, or other bank of the like kind, under any denomination whatever ; and all cock-fightings, for money, goods, chattels, or other valuable thing, shall be, and hereby *are declared to be offences against this state, and the authors, parties, [*313 players, bettors, wagers, contrivers, and abettors in and of the same, shall be prosecuted and proceeded against by indictment.

2. All promises, agreements, notes, bills, bonds, contracts, judgments, mortgages, or other securities or conveyances, which shall be made, given, granted, drawn, entered into, or executed by any person or persons, where the whole or any part of the consideration of such promises, agreements, notes, bills, bonds, contracts, judgments, mortgages, or other securities or conveyances, shall be for money, goods, chattels, or other valuable thing or things whatsoever, won, laid, or betted at cards, dice, billiards, tables, tennis, bowls, shuffle-board, or any other game or games, or at any cock-fighting, or other sport or pastime, or for the reimbursing or repaying any money, knowingly lent or advanced at the time and place of such play, cock-fighting, or other sport or pastime, to any person or persons so gaming, laying or betting, or who shall, at such time and place, so play, lay, or bet, shall be utterly void and of none effect.

3. Any conveyance or lease of lands, tenements, or hereditaments, sold, demised or mortgaged, or any sale, mortgage, or other transfer of personal estate, to any person or for his use, to satisfy or secure money, or other thing by him won of, or lent, or advanced to, the seller, lessor or mortgagor, or whereof money or other thing, so won, or lent, or advanced, shall be part or all of the consideration money, shall enure to the use of the heirs or legal representatives of such mortgagor, lessor, bargainor or vendor, and shall vest the whole estate and interest of such person in the lands, tenements, or hereditaments, so leased, mortgaged, bargained, or sold, and in the personal estate so sold, mortgaged, or otherwise transferred, to all intents and purposes, in the heirs or legal representatives of such lessor, bargainor, mortgagor, or vendor, as if such lessor, bargainor, mortgagor, or vendor had died intestate ; and all grants, conveyances, and transfers, to be made for preventing of such lands, tenements, hereditaments, or personal estate from coming to, or devolving upon such person or persons, hereby intended to enjoy the same as aforesaid, shall be deemed fraudulent, void, and of none effect.

4. It shall and may be lawful for any person, who shall lose any money, goods, chattels, or other valuable thing, by playing at cards, dice, billiards, tables, tennis, bowls, shuffle-board, or other game or games, or by betting on the sides or hands of such as do play at any game or games, or by betting at cock-fighting, or other

sport or pastime, and shall pay or deliver the same, or any part thereof, to the winner or winners, or other person for his or their use, or on his or their behalf, to sue for and recover the money, or value of the thing or things so lost and paid, or delivered or any part thereof from the respective winner or winners, with costs of suit, by action of debt, founded on this act, in any court of record in this state having cognizance thereof; in which action it shall be sufficient for the plaintiff or plaintiffs to allege, that the defendant or defendants is or are indebted to the plaintiff or plaintiffs in the moneys so lost and paid, or to the value of the thing or things so lost and delivered, for so much money had and received by such defendant or defendants, to the plaintiff's use, whereby an action hath accrued to the plaintiff or plaintiffs, according to the form of this act, without setting forth the special matter: *Provided*, that such suit shall be instituted within six calendar months after losing and payment, or delivery as aforesaid.

5. If the person or persons, who shall lose and pay such money, or lose and deliver such thing or things as aforesaid, shall not, within the time aforesaid, really and bona fide, and without covin or collusion, sue, and with effect prosecute for the money or other thing or things so lost and paid, or delivered, it shall and may be lawful for any other person or persons, by any such action as aforesaid, to sue for and recover the same, with costs of suit, from such winner or winners as aforesaid; the one moiety thereof to the use of the person or persons suing for the same, and the other moiety to the use of the state: *Provided*, that such suit shall be instituted within six calendar months from and after the expiration of the time limited in the preceding section for the loser to prosecute for the same.

6. Every person who, by virtue of this act, shall or may be liable to be sued *314] *for moneys or other things, so won as aforesaid, shall be obliged and compellable to answer, upon oath or affirmation, such bill or bills as shall be preferred against him in a court of equity, for discovering the money or other things so won as aforesaid.

An Act for suppressing of lotteries. Revision—Approved April 10, 1846. (R. S. 589.)

7. SEC. 1. All lotteries for money, goods, wares, merchandise, chattels, lands, tenements, hereditaments, or other matters or things whatsoever, shall be, and hereby are adjudged to be common and public nuisances; and the supreme court, the courts of oyer and terminer and general jail delivery, and the courts of general quarter sessions of the peace, shall respectively have cognizance of such offences. (See 24.)

8. SEC. 2. No person or persons shall, within this state, publicly or privately, erect, set up, open, make or draw any such lottery or lotteries; and every person who shall offend in the premises shall forfeit, for every such offence, two thousand dollars, to be recovered by action of debt, with costs, by any person who will sue for the same, in any court of record having cognizance thereof; and the person so offending shall likewise be proceeded against by way of indictment, as is directed in the preceding section; and all penalties recovered under this act shall be appropriated to the use of the county in which the action or actions for the recovery thereof shall have been prosecuted; and in every action instituted under this act, the inhabitants of the county where the same is instituted shall be competent to serve as jurors, and admitted as witnesses in any such action, notwithstanding their liability to taxation or being interested.

9. SEC. 3. If any person shall give, barter, sell, or otherwise dispose of, or offer to give, barter, sell, or otherwise dispose of, any ticket or tickets in any lottery, whether erected, set up, opened or made in this state or elsewhere; or if any person shall be aiding or assisting in any such lottery, by printing, writing, or in any other manner publishing an account thereof, or where tickets may be had or obtained in the same; or if any person shall set up, show, or expose to public view, any scheme or schemes, advertisement or advertisements,

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of or concerning such lottery, or shall permit or suffer any such lottery to be drawn in or on his or her house or land, every person so offending shall, for every offence, forfeit and pay the sum of thirty dollars, to be recovered and applied in the manner prescribed in and by the section next preceding.

10. SEC. 4. Every grant, bargain, sale, conveyance, or transfer of any goods, chattels, lands, tenements, hereditaments or real estate, which shall be made in pursuance of any such lottery, is hereby declared to be invalid and void.

11. SEC. 5. This act shall not extend to, or affect, any lottery which shall be established by or under the authority of the United States, or which has been or shall be established by or under the authority of the legislature of this state.

A Supplement. Approved March 24, 1852. (Pam. 348.)

12. SEC. 1. If any person shall give, barter, sell, or otherwise dispose of, or offer to give, barter, sell, or otherwise dispose of, any ticket or tickets, or any share or interest in any ticket or tickets, in any lottery, whether erected, set up, opened, or made in this state or elsewhere, or the chance or chances of any such ticket or tickets, shall be deemed guilty of a misdemeanor, and, on conviction, shall be punished by fine, not exceeding one hundred dollars, or imprisonment at hard labor, not exceeding one year, or both.

13. SEC. 2. If any person or persons shall issue any policy of insurance, or insure or receive any consideration for insuring for or against the drawing of any ticket or tickets, number or numbers, or any share or interest in any ticket or tickets, in any lottery, or shall receive any money, goods, or thing in action, in consideration of any agreement to repay any sum or sums of money, or to deliver any goods or thing in action, if any ticket or tickets, or any share of any ticket or tickets, in any lottery, shall prove fortunate or unfortunate, or shall be drawn, or not drawn on any particular day or in any particular order, or shall promise or *agree to pay any sum of money, or deliver any goods or [*315 thing in action, or to do or forbear to do anything for the benefit of any other person or persons, upon any event or contingency dependent on the drawing of any ticket or tickets, or any share of any ticket or tickets, or upon the drawing of any number or numbers in any lottery, shall be deemed guilty of a misdemeanor, and, on conviction, shall be punished by fine, not exceeding one hundred dollars, or imprisonment at hard labor, not exceeding one year, or both.

14. SEC. 3. It shall not be necessary, upon the trial of any indictment under this act, to prove the existence of any lottery in which any ticket, share, or part of a ticket purports to have been issued, or the actual signing of any such ticket or share, nor that any ticket, share, or interest was signed or issued by the authority of any manager, or of any person assuming to have authority as manager, or the existence of any lottery in which any number or numbers may be charged to have been insured; but, in all cases, proof of the sale, furnishing, bartering, or procuring of any ticket, share, or interest therein, or of any instrument purporting to be a ticket, or part or share of any ticket, shall be conclusive evidence that such ticket, share, or interest was signed and issued according to the purport thereof.

15. SEC. 4. One half of every fine inflicted and collected under any of the provisions of this act shall, when collected, be paid to the person giving information, by reason of which a conviction shall be had.

An Act to prevent horse-racing. Approved March 19, 1846. (R. S. 575.)

16. SEC. 1. All racing, by running, pacing, or trotting of horses, mares, or geldings, for money or other valuable thing, or where twenty or more persons are assembled together, shall be, and hereby are declared to be offences against the state, and the authors, parties, contrivers, and abettors thereof, and all and every other person or persons concerned therein, either directly or indirectly, shall be deemed guilty of a misdemeanor, and on conviction shall be punished by fine not

exceeding one hundred dollars, or imprisonment not exceeding six months, or both, at the discretion of the court.

This section not to apply to fairs or exhibitions of any agricultural or other incorporated society. Act of 1863, Pam. 489.

17. SEC. 2. If any person shall bet or wager upon the running, pacing, or trotting of any horses, mares, or geldings, or shall be concerned in making up any purse for any such running, pacing, or trotting, such person shall be deemed guilty of a misdemeanor, and on conviction shall be punished by fine not exceeding one hundred dollars, or imprisonment not exceeding six months, or both, at the discretion of the court.

18. SEC. 3. If any person shall be a stakeholder of any sum of money or other thing betted, staked, or wagered upon any such running, pacing, or trotting, or shall cause to be printed or set up any paper or other thing notifying or advertising any such running, pacing, or trotting, or shall be the rider of any horse, mare, or gelding in any race, of either running, pacing, or trotting, such person shall be deemed guilty of a misdemeanor, and on conviction shall be punished by fine not exceeding one hundred dollars, or imprisonment not exceeding six months, or both, at the discretion of the court.

19. SEC. 4. If any person shall contribute or collect, or shall ask any other person to contribute or collect, any money, goods, or chattels, to make up a purse, plate, or other thing to be run, paced, or trotted for by any horse, mare, or gelding at any place in this state, such person shall be deemed guilty of a misdemeanor, and on conviction shall be punished by fine not exceeding one hundred dollars, or imprisonment not exceeding six months, or both, at the discretion of the court.

20. SEC. 5. If any person or persons shall let or rent his, her, or their land for the purpose of a racecourse for the running, pacing, or trotting any horses, mares, or geldings, or shall knowingly suffer any such running, pacing, or trotting upon lands belonging to him, her, or them, or of which he, she, or they may be in possession, such person or persons shall be deemed guilty of a misdemeanor, and on conviction shall be punished by fine not exceeding one thousand dollars, or imprisonment not exceeding one year, or both, at the discretion of the court.

21. SEC. 6. All wagers or bets which shall be laid, betted, or made on the *316] *running, pacing, or trotting, of any horses, mares, or geldings, and all promises, agreements, notes, bills, bonds, contracts, judgments, mortgages or other securities or conveyances which shall be made, given, granted, drawn, entered into, or executed by any person or persons, when the whole or any part of the consideration thereof shall be for money, goods, chattels, or other thing won, laid, or betted on the running, pacing, or trotting of any horses, mares, or geldings, shall be utterly void and of no effect.

A Supplement to an "Act to prevent gaming." Approved March 5, 1853. (Pam. 326.)

22. The opening or keeping of any room or place for playing at billiards, or A. B. C. or E. O. table or tables, or at tennis, bowls, or shuffle-board, or at faro-bank, or other bank of like kind, under any denomination whatever, or for playing at nine-pins, or any other number of pins, or for cock-lighting, or for pistol-shooting, either for money or without money, within three miles of the main building of the College of New Jersey, shall be and hereby are declared to be offences against this state; and the owner, tenant, keeper, or attendant, of such room or place, shall be prosecuted and proceeded against by indictment, and upon conviction shall be fined in a sum not exceeding two hundred dollars, or by imprisonment for a period not exceeding six months, or both, at the discretion of the court.

A Supplement. Approved February 16, 1854. (Pam. 109.)

23. The opening or keeping of any room or place for playing at billiards, or A. B. C. or E. O. table or tables, or at tennis, bowls, or shuffle-board, or at faro-bank, or other bank of like kind, under any denomination whatever, or for play-

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ing at nine pins or any other number of pins, or for cock-fighting, or for pistol-shooting, either for money or without money, within three miles of the main building of "Rutger's College," in New Jersey, shall be and hereby are declared to be offences against this state; and the owner, tenant, keeper, or attendant of such room or place, shall be prosecuted and proceeded against by indictment, and upon conviction shall be fined in a sum not exceeding two hundred dollars, or by imprisonment for a period not exceeding six months, or both, at the discretion of the court.

A Supplement to an act entitled "An Act for suppressing of lotteries," approved April tenth, eighteen hundred and forty-six. Approved March 15, 1858. (Pun. 466.)

24. SEC. 1. It shall not be necessary in any indictment found under the act to which this is a supplement, or any supplement thereto, to aver, nor upon the trial of such indictment, to prove where, or in what state, or by authority of what state, any lottery existed or exists, which it shall be necessary or proper to mention in such indictment; but that in all cases, it shall be sufficient to aver in such indictment, that such lottery was erected, set up, and opened, and thereafter drawn, in a certain state to the grand jurors finding such indictment, unknown.

NOTES.

The holder of a ticket in a New York lottery, having sold a share of it in this state, and afterwards receiving a sum of money for the prize drawn; it was held that the purchaser of the share could maintain no action against the seller for his proportion of the prize money. Penn. 887. See 2 Gr. 386.

If a tract of land be divided into lots of unequal value, and these be sold to a number of purchasers, and distributed among the purchasers by drawing or lot, and a deed given to each purchaser for the lot drawn by him, this is a lottery, and the deeds are void. 3 Zab. 465. 4 Zab. 789.

An action cannot be sustained for money bet on a horse-race and deposited with a stakeholder. Crozer v. Stelpher, 3 Vroom.

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[See *Accounts. Chancery. Dower. Lunatics. Orphans' Courts. Partition. Waste. Wills.*]

An Act relative to guardians. Revision—Approved April 15, 1846. (R. S. 374.)

1. Every guardian appointed by last will and testament which shall be legally proved and recorded, shall, before he exercises any authority over the minor or *his estate, appear before the orphans' court, and declare his acceptance [*317 of the guardianship, which shall be recorded, and shall give bond, with such sureties and in such sum as the said court may approve of and order, for the faithful execution of his office, unless it is otherwise directed by the testator's will.

2. Every court or other competent authority appointing a guardian, shall take bond of him with good sureties and in sufficient sum, for the faithful execution of his office.

3. Every testamentary guardian, guardian in socage, or other guardian, shall, within three months after his acceptance of, or appointment to his office, deliver to the clerk of the orphans' court an inventory, upon oath, of all the estate, real and personal, which he shall have received or taken possession of, to be entered